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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RENA' E. STARKS,

Plaintiff,

v.

MILES, BAUER, BERGSTROM &
WINTERS, LLP, et al.,

Defendants.

2:11-CV-861 JCM (RJJ)

ORDER

Presently before the court is defendants Bergstrom, Miles, Winter, Bauer, and Nielson's motion to dismiss with prejudice. (Doc. #3). The plaintiff has responded (doc. #7), and the defendants have replied (doc. #20).

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim for relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "Where a complaint pleads facts that are 'merely consistent' with a defendant's liability, it 'stops short of the line between possibility and plausibility of entitlement to relief.'" *Id.* (citing *Bell Atlantic*, 550 U.S. at 557). However, where there are well pled factual allegations, the court should assume their veracity and determine if they give rise to relief. *Id.* at 1950.

Here, the court finds the complaint to be unintelligible and conclusory, and the defendants' explanation of the relationship between the parties supports this conclusion. Defendants are Nevada

1 attorneys whose client sought a writ of execution against plaintiff in a Las Vegas Justice Court
2 proceeding. Plaintiff thereafter filed a lawsuit for wrongful foreclosure, which was dismissed for
3 failure to state a claim. Following that dismissal, plaintiff filed the instant action against the
4 defendants alleging claims under 42 U.S.C. § 1983.

5 The court agrees with the defendants in concluding that the action appears to be in retaliation
6 for the Justice Court litigation and is meant to harass defendants. The complaint is devoid of factual
7 allegations regarding any actual injury suffered as a result of defendants' conduct. Rather, plaintiff
8 has merely cut and pasted elements from various claims for relief and has even attached the cover
9 sheet for a criminal complaint with the pleading. Thus, the court finds that the complaint provides
10 no fair notice to defendants of the claims against them and similarly fails to "state a claim for relief
11 that is plausible on its face." *Twombly*, 550 U.S. at 570.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to
14 dismiss (doc. #3) be, and the same hereby is, GRANTED;

15 IT IS FURTHER ORDERED that the case of *Starks v. Bergstrom* (2:11-cv-00861-JCM-RJJ)
16 be, and the same hereby is, dismissed with prejudice as frivolous;

17 IT IS FURTHER ORDERED that all pending motions in this case are hereby DENIED as
18 moot.

19 DATED August 1, 2011.

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22 **UNITED STATES DISTRICT JUDGE**